IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicants(s): Ordille et al

Case: 502082-A-01-US (Ordille)

Serial No.:   10/611,503

Filing Date: July 1, 2003

Group: 2614

Examiner: Joseph T. Phan

Title: Method and Apparatus for Event Notification Based on the Identity of a Calling
            Party

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal the final rejection dated April 23, 2007, of claims 1 through 26 of the above-identified patent application.

REAL PARTY IN INTEREST

The present application is assigned to Avaya Technology Corporation, as evidenced by an assignment recorded on July 1, 2003 in the United States Patent and Trademark Office at Reel 014304, Frame 0243. The assignee, Avaya Technology Corporation, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1 through 26 are presently pending in the above-identified patent application. Claims 1-26 were rejected under 35 U.S.C. §102(b) as being anticipated by Stevens (United States Patent Number 6,404,880). Claims 1, 8-10, 12, 14-16, 21, 22, and 26 are being appealed.

STATUS OF AMENDMENTS

There have been no amendments filed subsequent to the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

5   Independent claim 1 is directed to a method for providing a notification of an event, the method comprising the steps of: receiving a communication (page 4, line 17); in response to the receipt of the communication (page 4, lines 17-19; page 6, lines 1-2; page 6, line 30, to page 7, line 1; FIG. 2: 210), performing the following steps: determining an originating endpoint (FIG. 1: 110) address (FIG. 3: 340) on a network associated with the received communication (page 4, lines 17-

10   19; FIG. 2: 220); identifying one or more designated persons (FIG. 1: 120) that have been previously designated for the originating endpoint address, wherein at least one of the designated persons is not a sender of the communication (page 4, lines 19-22; page 7, lines 12-14; FIG. 2: 240); generating a notification message (page 7, lines 14-17; FIG. 2: 250); and sending the notification message to the one or more designated persons (page 7, lines 22-29; FIG. 2: 260).

15   In one exemplary embodiment, the identifying, generating and sending steps are performed in response to the received communication being placed to a specified telephone number (page 7, lines 4-11).

In one exemplary embodiment, an event is an emergency that has been reported to a receiver (page 7, lines 14-21).

20   In one exemplary embodiment, an event is a telephone call that has been placed to a help desk (page 4, lines 9-14).

In one exemplary embodiment, the step of receiving at least one status update from at least one of the one or more designated persons (page 5, lines 12-13).

In one exemplary embodiment, the method further comprises the step of receiving at

25   least one status update from a person associated with the appropriate response (page 5, lines 12-13).

In one exemplary embodiment, the method further comprises the step of notifying at least one of the one or more designated persons of a status update (page 9, lines 14-23).

In one exemplary embodiment, a notification message is provided to the one or more designated persons in accordance with a communication flow (FIG. 4: 450) that describes whether

30   each of the one or more designated persons is notified based on a response from at least one other of the one or more designated persons (page 5, lines 12-29; and page 9, lines 4-13).

Independent claim 17 is directed to an apparatus for providing a notification of an event (FIG. 1: 100), comprising: a memory; and at least one processor, coupled to the memory, operative to: receive a communication (page 4, line 17); in response to the receipt of the communication (page 4, lines 17-19; page 6, lines 1-2; page 6, line 30, to page 7, line 1; FIG. 2: 210), perform the following: determine an originating endpoint (FIG. 1: 110) address (FIG. 3: 340) on a network associated with the received communication (page 4, lines 17-19; FIG 2: 220); identify one or more designated persons (FIG. 1: 120) that have been previously designated for the originating endpoint address, wherein at least one of the designated persons is not a sender of the communication (page 4, lines 19-22; page 7, lines 12-14; FIG. 2: 240); generate a notification message (page 7, lines 14-17; FIG. 2: 250); and send the notification message to the one or more designated persons (page 7, lines 22-29; FIG. 2: 260).

Independent claim 26 is directed to an article of manufacture for providing a notification of an event, the article of manufacture comprising a machine readable medium containing one or more programs which when executed implement the steps of: receiving a communication (page 4, line 17); in response to the receipt of the communication (page 4, lines 17-19; page 6, lines 1-2; page 6, line 30, to page 7, line 1; FIG. 2: 210), performing the following steps: determining an originating endpoint (FIG. 1: 110) address (FIG. 3: 340) on a network associated with the received communication (page 4, lines 17-19; FIG 2: 220); identifying one or more designated persons (FIG. 1: 120) that have been previously designated for the originating endpoint address, wherein at least one of the designated persons is not a sender of the communication (page 4, lines 19-22; page 7, lines 12-14; FIG 2: 240); generating a notification message (page 7, lines 14-17; FIG. 2: 250); and sending the notification message to the one or more designated persons (page 7, lines 22-29; FIG. 2: 260).

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-26 were rejected under 35 U.S.C. §102(b) as being anticipated by Stevens.

ARGUMENT

Independent claims 1, 17, and 26 were rejected under 35 U.S.C. §102(b) as being anticipated by Stevens. Regarding claims 1, 17, and 26, the Examiner asserts that Stevens teaches a method for providing a notification of an event, comprising the steps of receiving a communication

(citing col. 5, lines 15-30); determining an originating endpoint address on a network associated with said received communication (citing element 110 Or 110A in FIG. 1 as the originating endpoint address and col. 5, lines 15-30); identifying one or more designated persons that have been previously designated for said originating endpoint address, wherein at least one of said designated

5 persons is not a sender of said communication (citing Fig. 2 and noting that the weather service sends the communication); generating a notification message; and sending said notification message to said one or more designated persons (col. 7, lines 30-55)

Appellants again note that Stevens is directed to "providing subscriber alerts that warn the subscriber to severe weather and traffic conditions." Stevens also teaches that "the

10 subscriber may receive wakeup and reminder calls." (See, Abstract.) Assuming solely for the sake of argument that the wakeup and reminder calls are triggered by employing a "caller ID" type function to obtain the telephone number of the calling party, the wakeup and reminder calls are placed back to the same original calling party.

In addition, the embodiment that provides alerts that warn the subscriber of severe

15 weather and traffic conditions are also placed back to the same subscriber. Although not explicitly stated in Stevens, it is believed that in this embodiment, the telephone number of the subscriber is captured during a registration process using a "caller ID" type function to obtain the telephone number of the calling party, or is explicitly provided by the subscriber during the registration.

Among other differences, Appellants assert that the trigger that leads to the

20 generation of a notification message is different in Stevens versus the present invention. Appellants have amended each independent claim to emphasize that the generation of the notification message and several other steps are performed *in response to the receipt of the communication.*

The trigger in Stevens, however, is that if the conditions set forth in field 210 match the weather information received from the weather service 110, an alert will be sent to the

25 subscriber. The subscriber has indicated the conditions 210 for the alert, as well as the communication methods 230 for receiving the alert. The weather service 110 is merely providing weather information that is matched against the subscriber conditions.

Appellants have also amended each independent claim to replace the "person associated with" language by "persons that have been previously designated." The weather service

30 110 has not designated one or more persons to receive the information. Thus, there are no "designated persons that have been previously designated for said originating endpoint address."

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In response to a received communication, the present invention determines an originating endpoint address on a network associated with a received communication, in a similar manner to a caller ID function in a telephone domain. The obtained originating endpoint address associated with the communication is then used to identify one or more **previously designated**

5   persons to receive a notification message, wherein at least one of said designated persons is not a sender of said communication.

Thus, Stevens does not disclose or suggest receiving a communication; and *in response to the receipt of the communication*, performing the following steps:

"determining an originating endpoint address on a network associated with said

10   received communication;

identifying one or more designated persons that have been previously designated for said originating endpoint address, wherein at least one of said designated persons is not a sender of said communication;

generating a notification message; and

15   sending said notification message to said one or more designated persons,"

as variously required by each independent claim.

Claims 8-10, 12, 14-16, 21 and 22

Claims 8-10, 12, 14-16, 21, and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Stevens. In particular, the Examiner asserts that Stevens discloses the limitations of

20   the cited claims at col. 2, lines 34-49, and col. 3, lines 12-36.

Appellants note that, in the text cited by the Examiner, Stevens teaches that,

if a defined weather condition is occurring or is about to occur in a defined zone, for example, or if a specified traffic condition is occurring on the defined traffic artery wherein the defined traffic artery is one that the subscriber

25   normally takes to get to a destination on a routine basis, the subscriber receives alerts as specified in a subscriber profile stored within a server coupled to an intelligent network (IN) type of PSTN.

For example, the alert is generated if the traffic on a specified traffic artery falls below a certain speed. Finally, the inventive method and apparatus

30   provide for wake up and reminder services that are generated to anyone of a list of destinations as specified by subscriber profile. For example, either a wake up or reminder call may be generated to the subscriber's home telephone, to his or her cellular telephone, to a pager, or even to an e-mail account.
(Col. 2, lines 34-49.)

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Stevens also teaches that

> a weather warning system includes a weather mapping system that is communicatively coupled to a plurality of weather sensors and to the coupled networks. For example, Doppler Radar systems as well as satellite weather tracking radar systems are integrated into the weather mapping system to provide weather information thereto. The weather mapping system accordingly, monitors the sensor data to generate alerts when specified types of weather conditions occur. The weather mapping system also analyzes the data to determine the location of the specified weather condition and to predict a path route for the specified weather condition.
>
> The weather condition, its location, and its predicted path route are all generated and produced to the service control point and/or the intelligent peripheral 112 of the public switched telephone network. The public switched telephone network devices, in turn, specifically analyzes the received alerts from the traffic warning system or from the weather warning system to determine whether any of the received alerts affect any subscribers of the critical information delivery subscriber features. Additionally, the PSTN, and more specifically a SCP or intelligent peripheral analyze a plurality of subscriber profiles to determine what subscribers are to be notified for the traffic or weather conditions specified in the alert(s).
> (Col 3, lines 12-36.)

Appellants, however, could find no disclosure or suggestion in Stevens that the identifying, generating and sending steps are performed in response to a received communication *being placed to a specified telephone number*, could find no disclosure or suggestion that *the event is an emergency* that has been reported to a receiver, could find no disclosure or suggestion that the event is a *telephone call that has been placed to a help desk*, could find no disclosure or suggestion of the step of receiving a *status update from a designated person*, could find no disclosure or suggestion of the step of receiving a *status update from a person associated with the appropriate response*, could find no disclosure or suggestion of the step of *notifying one or more designated persons of a status update*, and could find no disclosure or suggestion of a notification message that is provided to one or more *designated persons in accordance with a communication flow that describes whether each of the one or more designated persons is notified based on a response from at least one other of the one or more designated persons.*

Thus, Stevens does not disclose or suggest wherein said identifying, generating and sending steps are performed in response to said received communication being placed to a specified telephone number, as required by claim 8, does not disclose or suggest wherein said event is an emergency that has been reported to a receiver, as required by claims 9 and 21, does not disclose or suggest wherein said event is a telephone call that has been placed to a help desk, as required by

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claims 10 and 22, does not disclose or suggest the step of receiving at least one status update from at least one of said one or more designated persons, as required by claim 12, does not disclose or suggest the step of receiving at least one status update from a person associated with said appropriate response, as required by claim 14, does not disclose or suggest the step of notifying at least one of said one or more designated persons of a status update, as required by claim 15, and does not disclose or suggest wherein said notification message is provided to said one or more designated persons in accordance with a communication flow that describes whether each of said one or more designated persons is notified based on a response from at least one other of said one or more designated persons, as required by claim 16.

Conclusion

The rejections of the cited claims under section 102 in view of Stevens are therefore believed to be improper and should be withdrawn. The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,

Kevin M. Mason

Date: September 24, 2007
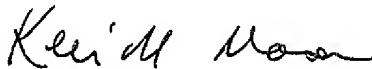
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APPENDIX

1. A method for providing a notification of an event, said method comprising the steps of:

receiving a communication;

5   in response to said receipt of said communication, performing the following steps:

determining an originating endpoint address on a network associated with said received communication;

identifying one or more designated persons that have been previously designated for said originating endpoint address, wherein at least one of said designated persons is not a sender of

10   said communication;

generating a notification message; and

sending said notification message to said one or more designated persons.

2. The method of claim 1, wherein said notification message is provided to said one

15   or more designated persons in accordance with preference information specified by each of said one or more designated persons.

3. The method of claim 1, wherein content for said notification message is obtained substantially close in time to when said notification message is provided to said one or more

20   designated persons.

4. The method of claim 2, wherein said preference information includes at least one media preference.

25   5. The method of claim 2, wherein said preference information includes at least one human language type preference.

6. The method of claim 1, wherein said endpoint is identified based on a telephone number of a calling party associated with said communication.

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7. The method of claim 1, wherein said endpoint is identified based on an address associated with said communication.

8. The method of claim 1, wherein said identifying, generating and sending steps are performed in response to said received communication being placed to a specified telephone number.

9. The method of claim 1, wherein said event is an emergency that has been reported to a receiver.

10. The method of claim 1, wherein said event is a telephone call that has been placed to a help desk.

11. The method of claim 1, further comprising the step of receiving at least one response to said notification message.

12. The method of claim 1, further comprising the step of receiving at least one status update from at least one of said one or more designated persons.

13. The method of claim 1, further comprising the step of dispatching an appropriate response to said communication.

14. The method of claim 13, further comprising the step of receiving at least one status update from a person associated with said appropriate response.

15 The method of claim 1, further comprising the step of notifying at least one of said one or more designated persons of a status update.

16. The method of claim 1, wherein said notification message is provided to said one or more designated persons in accordance with a communication flow that describes whether each of said one or more designated persons is notified based on a response from at least one other of

said one or more designated persons.

17. An apparatus for providing a notification of an event, comprising:

a memory; and

at least one processor, coupled to the memory, operative to:

receive a communication;

in response to said receipt of said communication, perform the following:

determine an originating endpoint address on a network associated with said received communication;

identify one or more designated persons that have been previously designated for said originating endpoint address, wherein at least one of said designated persons is not a sender of said communication;

generate a notification message; and

send said notification message to said one or more designated persons.

18. The apparatus of claim 17, wherein said notification message is provided to said one or more designated persons in accordance with preference information specified by each of said one or more designated persons.

19. The apparatus of claim 17, wherein said endpoint is identified based on a telephone number of a calling party associated with said communication.

20. The apparatus of claim 17, wherein said endpoint is identified based on an address associated with said communication.

21. The apparatus of claim 17, wherein said event is an emergency that has been reported to a receiver.

22. The apparatus of claim 17, wherein said event is a telephone call that has been placed to a help desk.

23. The apparatus of claim 17, wherein said processor is further configured to receive at least one response to said notification message.

24. The apparatus of claim 17, wherein said processor is further configured to receive at least one status update.

25. The apparatus of claim 17, wherein said processor is further configured to dispatch an appropriate response to said communication.

26. An article of manufacture for providing a notification of an event, said article of manufacture comprising a machine readable medium containing one or more programs which when executed implement the steps of:

receiving a communication;

in response to said receipt of said communication, performing the following steps:

determining an originating endpoint address on a network associated with said received communication;

identifying one or more designated persons that have been previously designated for said originating endpoint address, wherein at least one of said designated persons is not a sender of said communication;

generating a notification message; and

sending said notification message to said one or more designated persons.

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EVIDENCE APPENDIX

There is no evidence submitted pursuant to § 1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37